

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
ROEDA S.,**

Plaintiff,

**1:20-cv-906
(GLS/ATB)**

v.

**KILOLO KIJAKAZI, Acting
Commissioner of Social Security,**

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Law Office of Lewis B. Insler
7 Woodbridge Park Drive
Ashville, NC 28803

LEWIS B. INSLER, ESQ.

FOR THE DEFENDANT:

HON. CARLA B. FREEDMAN
United States Attorney
100 South Clinton Street
Syracuse, NY 13261

CHRISTOPHER LEWIS POTTER
Special Assistant U.S. Attorney

Michael Pelgro
Regional Chief Counsel
Office of General Counsel, Region I
JFK Federal Building
15 New Sudbury Street, Room 625
Boston, MA 02203

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report and
Recommendation (R&R) by Magistrate Judge Andrew T. Baxter duly filed

January 5, 2022. (Dkt. No. 15.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Report and Recommendation (Dkt. No. 15) is **ADOPTED** in its entirety; and it is further

ORDERED that plaintiff's motion for judgment on the pleadings (Dkt. No. 11) is **DENIED**; and it is further

ORDERED that defendant's cross-motion for judgment on the pleadings (Dkt. No. 14) is **GRANTED**; and it is further

ORDERED that the decision of the Commissioner is **AFFIRMED**; and it is further

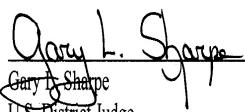
ORDERED that plaintiff's complaint (Dkt. No. 1) is **DISMISSED** in its entirety; and it is further

ORDERED that the clerk is directed to enter judgment and close this case; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

January 26, 2022
Albany, New York



Gary L. Sharpe
U.S. District Judge